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OFFICE OF PETITIONS

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In re Application of :
Ashish Shah :
Application No. 10/693,362 : DECISION ON PETITION UNDER
Filing Date: October 24, 2003 : 37 C.F.R. §1.10(c)
Attorney Docket No. MSFT-2846 / :
306722.01 :
Title: SYSTEMS AND METHODS FOR :
THE IMPLEMENTATION OF A :
SYNCHRONIZATION SCHEMAS FOR :
UNITS OF INFORMATION MANAGEABLE :
BY A HARDWARE/SOFTWARE :
INTERFACE SYSTEM :

This is a decision on the petition under 37 C.F.R. §1.10(c), filed September 9, 2004, requesting the according of a filing date of October 24, 2003 to application number 10/693,362.

The application was deposited on October 24, 2003. Shortly thereafter, the Office mailed a filing receipt, indicating that application number 10/693,362 had been accorded a filing date of October 23, 2003.

With the instant petition, Petitioner has included a copy of the Express Mail label number EL99798091US¹.

Petitioner has alleged that the application was deposited on October 24, 2003, and the Patent Office has incorrectly assigned a filing date of October 23, 2003 to the instant application. Petitioner has included a copy of the Express Mail label, and it is noted that it bears a "date-in" of October 24, 2003.

¹ The Utility Patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website (<http://www.usps.com/shipping/trackandconfirm.htm>) was also inconclusive, in that it stated that the information pertaining to this Express Mail label number is stored off-line. A copy of the latter search result is enclosed.

Although the application received a filing date of October 23, 2003, the evidence is convincing that the application papers were filed on October 24, 2003, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of October 24, 2003.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 24, 2003, as well as the mailing of a corrected filing receipt. Petitioner has also submitted a petition fee. There is no fee associated with the filing of a petition under this section of the C.F.R. As such, the petition fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



Paul Shanowski
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United States Patent and Trademark Office

Encl.